

## **EXHIBIT 1**

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

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May 26, 2005

*Via Federal Express*

J. L. Naimer, President  
Universal Avionics  
3260 E. Universal Way  
Tucson, AZ 85706

Re: Thales S.A. Patent Licensing

Dear Mr. Naimer:

I am writing to you on behalf of my client Thales S.A. Thales owns a portfolio of patents relating to Terrain Awareness and Warning System (TAWS) technologies. Because your company manufactures a TAWS product, we would like to bring to your attention patents belonging to Thales relating to TAWS technology that may be of interest to you. Enclosed are: (1) U.S. Patent No. 5,488,563, to Chazelle et al.; (2) U.S. Patent No. 5,638,282, to Chazelle et al.; (3) U.S. Patent No. 5,414,631, to Denoize et al.; and (4) U.S. Patent No. 6,088,654, to Lepere et al.; all relate to TAWS technology.

I would like to arrange a meeting between Thales representatives and Universal representatives to discuss the Thales portfolio and the possibility of Universal's obtaining a license to the patented technology. Please contact me at your earliest convenience regarding this matter.

Sincerely,

Elliot E. Polebaum

Enclosures



## **EXHIBIT 2**

**FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP**

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*Confidential*

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July 28, 2005

By Enclosure

Scott Bernstein, Esq.  
Greenberg Traurig LLP  
MetLife Building  
200 Park Avenue  
New York, NY 10166

Dear Scott:

We have considered further the points you made at our meeting on July 19, 2005, and in your earlier letter dated July 15, 2005, regarding the Thales patents that we have brought to your attention. We believe that none of your points provides a plausible basis for concluding that the Universal TAWS device does not practice the Thales patents. Accordingly, we think it appropriate that we begin to negotiate the terms by which Thales would license use of the patents to Universal. Please let me know at your earliest convenience whether Universal is prepared to enter into such negotiations with Thales.

At our meeting, we agreed to give you a written response to the points you raised. You and we have further agreed that our exchanges are confidential, subject to Rule 408 of the Federal Rules of Evidence, may not be used in any subsequent proceedings, and do not constitute any waiver of the attorney client privilege and/or work product doctrine. On that understanding, our response to your points is as follows:

I. Mass Memory Means.

First, the "mass memory means" element of both Claim 1 of U.S. Patent 5,488,563 (the "563 Patent") and Claim 1 of U.S. Patent 5,638,282 (the "282 Patent") is not a means-plus-function element, subject to §112(6) of the Patent Act, because the element contains sufficient structure to perform the claimed function. Therefore, interpreting the claim language by looking

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to the structure disclosed in the specification and its equivalents is not warranted. Instead, this claim element must be construed in accordance with standard claim-construction principles and be given its plain meaning to one of ordinary skill in the art.

A. Relative Altitude Values.

At the July 19 meeting, you argued that the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent and the "mass memory" element of Claim 20 of the '563 Patent require the use of relative altitude values for storing terrain data. Proper claim construction, however, would not allow reading into these elements such a relative altitude limitation. First, a person of ordinary skill in the art would not conclude that the elements "mass memory" or "mass memory means" require such a limitation. To add such a limitation would violate the Federal Circuit's repeated admonition, most recently re-affirmed in *Phillips v. AWH Corp.*, that one should avoid importing limitations from the specification into the claims.

Additionally, the principle of claim differentiation prevents the "mass memory means" element of Claim 1 of the '563 Patent from having the same scope as its dependent Claim 8, which specifically adds the limitation of using relative altitude values. Claim differentiation also prevents reading the relative altitude value limitation into the "mass memory" element of Claim 20 because its dependent Claim 24 adds the precise limitation of using relative altitude values. If the relative altitude limitation were already part of Claims 1 and 20, there would be no reason to have claims 8 and 24.

Regardless, the Universal TAWS infringes the Thales patents under the doctrine of equivalents, because the memory device of the Universal TAWS is equivalent to the claimed memory.

B. Updated by A Data Processing Device.

You also claimed in your July 15, 2005 letter and at our meeting that the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent and the "mass memory" element of Claim 20 of the '563 Patent requires regular updating by a data processing device "on the ground, outside the aircraft." It would be improper, however, to import this limitation from the specification into these claims because a person of ordinary skill in the art would not interpret a mass memory means to require a data processing device on the ground outside the aircraft. These claims relate to means for storing, not updating, a database. Even if these claims were subject to §112(6), this limitation is not properly read into the claims because it is not part of the structure disclosed in the specification corresponding to the claimed function.

If one accepted your construction for the sake of argument and added the "updating on the ground, outside the aircraft" limitation, the Universal TAWS practices the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent. As specified in the Product Summary found in Tab E of the attachments that we provided at the July 19 meeting

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(the "Attachments"), the Universal terrain database is stored in "internal flash memory." Additionally, page 48 of the TAWS Operator's Manual (Tab G of the Attachments), states that: "Installation and update of Airport and Terrain databases are accomplished through Universal's Flight Management System and DTU [Data Transfer Unit]-100. If there is not a Universal FMS installed, TAWS is updated directly from the DTU-100 using an IBM compatible computer." You also explained to us that Universal does in fact update its TAWS using a data processing device on the ground. Such a configuration practices the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent. Even if one assumed for the sake of argument that the Universal TAWS does not infringe directly the "mass memory" element, an assumption with which we do not agree, the device infringes under the Doctrine of Equivalents.

Finally, we note that your means-plus-function argument fails to address Claim 20 of the '563 Patent, a method claim.

**II. Validation.**

During the July 19 meeting, you asserted that the independent claims of the '563 and '282 Patents in some way require the validation of data. Reading in such a requirement would also be an improper importation of a limitation from the specification into the claims. The principle of claim differentiation also shows that Claims 1 and 20 of the '563 Patent do not include a requirement of data validation because such a requirement is included in dependent Claims 2 and 21, respectively.

**III. Input Means.**

You stated in your letter and at our meeting your view that the Universal TAWS does not practice the "input means" limitation of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent because the Universal TAWS does not receive a velocity vector into the terrain alerting function. This is incorrect for several reasons. Claim 1 of the '282 Patent, for example, states as follows: "input means for receiving status indications representing . . . the velocity vector . . ." This claim element only requires an input means that receives status indications representing the velocity vector and not the velocity vector itself. As the specification of the '282 Patent clearly discloses at Column 4, lines 51-61, these status indications may include the components of the vector, such as track and speed which the Universal TAWS does receive. Additionally, such status indications only need to be received by the input means and not by the alerting function/anti-collision means. In order to encompass the limitation that you suggest, Claim 1 of the '282 Patent would have to be written in a manner similar to Claim 7, in which the anti-collision means takes into account the velocity vector data. Claims 1 and 20 of the '563 Patent similarly do not require the velocity vector to be input into the alerting function. Because the Universal TAWS does accept as inputs the velocity and acceleration vectors, as well as speed and track information, it practices this element literally and under the Doctrine of Equivalents.

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**IV. Anticollision Processing Means.**

In our meeting, you also asserted that the "anticollision processing means" of Claim 1 of the '563 Patent and the "anticollision means" element of Claim 1 of the '282 Patent somehow require use of curves, such as those described at Column 10, lines 1-12 of the '563 Patent. Such curves are not part of the structure disclosed in the specification corresponding to the claimed function. Furthermore, the doctrine of claim differentiation shows that this limitation cannot be included in Claim 1 of the '563 Patent and Claim 1 of the '282 Patent, because the disclosed curves are utilized in the specification in cases where the claimed condition or anticollision law includes consideration of or corresponds to a "piloting flight path for pulling up with a virtually maximum amplitude after a brief delay," limitations of dependent Claim 16 of the '563 Patent and dependent Claim 11 of the '282 Patent.

**V. U.S. Patents 5,414,631 (the "'631 Patent) and 6,088,654 (the "'654 Patent).**

The arguments that you raised with regard to the '631 Patent and '654 Patents are very similar to those made with regard to the '563 Patent and '282 Patent. Accordingly, we refer you to the discussion above.

Sincerely,

  
Elliot E. Polkbaum

MEP:odr:271069

## **EXHIBIT 3**

**Bornstein, Scott (OfCnsI-NY-IP)**

---

**From:** Polebaum, Elliot E. [PolebEl@friedfrank.com]  
**Sent:** Wednesday, November 30, 2005 5:13 PM  
**To:** Bornstein, Scott (OfCnsI-NY-IP); PolebEl@friedfrank.com  
**Subject:** RE: Standstill/Meeting

This will confirm that we have agreed to extend the standstill through and including December 9.

Can you confirm a meeting on December 8?

-----Original Message-----

From: BornsteinS@gtlaw.com [mailto:BornsteinS@gtlaw.com]  
Sent: Monday, November 14, 2005 12:46 PM  
To: PolebEl@friedfrank.com  
Subject: Re:

Ok with us. Let's shoot for the 22nd.  
Scott Bornstein  
Sent from my BlackBerry Wireless Handheld

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From: Polebaum, Elliot E. <PolebEl@friedfrank.com>  
To: Polebaum, Elliot E. <PolebEl@friedfrank.com>; Bornstein, Scott (OfCnsI-NY-IP)  
<BornsteinS@gtlaw.com>  
CC: Melander, Deneen J. <MelanDe@friedfrank.com>  
Sent: Mon Nov 14 12:03:25 2005  
Subject: RE:

Scott,

It appears that Thales will need a bit more time to collect the information that we had planned to exchange on November 15. I suggest that we put this off until November 22. If we can do it earlier, I will let you know. Regards.

-----Original Message-----

From: Polebaum, Elliot E. [mailto:PolebEl@friedfrank.com]  
Sent: Thursday, November 03, 2005 5:55 PM  
To: BornsteinS@gtlaw.com; PolebEl@friedfrank.com



Subject: RE:

We have now agreed to extend the standstill through and including December 2, 2005.

-----Original Message-----

From: BornsteinS@gtlaw.com [mailto:BornsteinS@gtlaw.com]  
Sent: Friday, October 14, 2005 5:37 PM  
To: PolebEl@friedfrank.com  
Subject: Re:

Agreed.

---

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---

From: Polebaum, Elliot E.  
To: Scott Bornstein  
To: PolebEl@ffhsj.com  
Cc: MelanDe@ffhsj.com  
Sent: Oct 14, 2005 3:31 PM  
Subject: RE:

We've agreed to extend through and including Friday, November 4. Regards.

-----Original Message-----

From: BornsteinS@gtlaw.com [mailto:BornsteinS@gtlaw.com]  
Sent: Wednesday, September 07, 2005 5:24 PM  
To: PolebEl@friedfrank.com  
Cc: MelanDe@friedfrank.com  
Subject: RE:

Agreed. Thanks. Scott

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---

From: Polebaum, Elliot

-----Original Message Truncated-----

Scott Bornstein  
Sent from my BlackBerry Wireless Handheld

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## **EXHIBIT 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THALES AIRBORNE SYSTEMS S.A., and	)	
THALES AVIONICS S.A.,	)	
	)	
Plaintiffs,	)	3 5 3
	)	C.A. No. _____
v.	)	
	)	
UNIVERSAL AVIONICS SYSTEMS	)	
CORPORATION,	)	
	)	
Defendant.	)	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs Thales Airborne Systems (“Thales Airborne”) and Thales Avionics S.A. (“Thales Avionics”) (collectively “Thales”) for their Complaint against Defendant Universal Avionics Systems Corporation (“Universal”) hereby allege as follows:

**Nature of the Claim**

1. This civil action involves the willful infringement of United States Patents -- Numbers 5,488,563 (“the ‘563 Patent”) and 5,638,282 (“the ‘282 Patent”) (collectively, the “Thales Patents”). This claim is based on the Patent Laws of the United States, 35 U.S.C. §§ 100 *et seq.* Copies of the Thales Patents are attached hereto as Exhibits A and B.

**The Parties**

2. Plaintiff Thales Airborne is a French corporation with its corporate headquarters at 2, avenue Gay Lussac, 78851 Elancourt, France.

3. Plaintiff Thales Avionics is a French corporation with its corporate headquarters at 45, rue de Villiers, 92526 Neuilly, France.

4. Defendant Universal is an Arizona corporation with its principal place of business at 3260 E. Universal Way, Tucson, AZ 85706.

**Jurisdiction and Venue**

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Universal because Universal regularly transacts business in this district and markets and sells its infringing products in this district.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b).

**The Thales Patents**

8. On January 30, 1996, the '563 Patent, entitled "Method and Device for Preventing Collisions With the Ground for an Aircraft," was duly and legally issued to Dassault Electronique S.A., a predecessor of Thales Airborne, as assignee.

9. On June 10, 1997, the '282 Patent, entitled "Method and Device for Preventing Collisions With the Ground for an Aircraft," was duly and legally issued to Dassault Electronique S.A., a predecessor of Thales Airborne, as assignee.

10. Thales Airborne has granted a license of the Thales Patents to Thales Avionics, which also has the right to enforce the Thales Patents and to sue and to recover for infringement of the Thales Patents.

**Universal's Infringement of the Thales Patents**

11. Thales and Universal are competitors in the market for avionics equipment, including terrain awareness and warning systems ("TAWS").

12. Universal makes, uses, imports, offers to sell and/or sells TAWS products, which it refers to as its Class A and Class B TAWS products (the "Universal TAWS Products").

13. The Universal TAWS Products infringe at least one claim of each of the Thales Patents, either literally or with only insubstantial differences.

14. Thales has been and will continue to be injured by Universal's infringement of the Thales Patents and is without an adequate remedy at law.

15. Thales put Universal on notice of Universal's infringement of the Thales Patents no later than May 27, 2005, by a letter from Thales' counsel dated May 26, 2005 (attached as Exhibit C). Nevertheless, Universal has continued to make, sell or offer for sale its infringing TAWS products.

16. Universal's infringement has been, and continues to be willful, so as to warrant enhancement of the damages awarded as a result of its infringement.

**Prayer for Relief**

WHEREFORE, Thales prays for judgment as follows:

- A. That Universal has willfully infringed the Thales Patents;
- B. That Universal, its officers, agents, servants and employees, and persons in active concert or participation with any of them, are preliminarily and permanently enjoined from making, using, importing, offering for sale, or selling the Universal TAWS Products and any other product that infringes, or induces or contributes to the infringement of, the Thales Patents, prior to the expiration of the Thales Patents, including any extensions;
- C. That Thales be awarded monetary relief adequate to compensate Thales for Universal's acts of infringement within the United States prior to the expiration of the Thales Patents, including any extensions, and, due to the willful nature of Universal's infringement, that any such monetary relief be trebled and awarded to Thales with prejudgment interest;

D. That Thales be awarded the attorneys' fees, costs and expenses that it incurs prosecuting its claim for infringement; and

E. That Thales be awarded such other and further relief as this Court deems just and proper.

ASHBY & GEDDES



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*Attorneys for Thales Airborne S.A. and  
Thales Avionics S.A.*

OF COUNSEL:

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Dated: December 12, 2005

164481.1

## **EXHIBIT 5**

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(973) 301-8410 (fax)

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**GREENBERG TRAURIG, LLP**  
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Scott J. Bornstein  
200 Park Avenue, 34<sup>th</sup> Floor  
New York, NY 10166  
(212) 801-2100

Attorneys for Plaintiff  
Universal Avionics Systems Corp.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNIVERSAL AVIONICS SYSTEMS CORP., )  
Plaintiff, ) Civil Action No. 05-\_\_\_\_\_  
)  
v. )  
)  
THALES S.A., )  
)  
Defendant. )  
)

**COMPLAINT**

Plaintiff, Universal Avionics Systems Corporation ("Universal"), for its Complaint against defendant Thales S.A. ("Thales"), states as follows.

**The Parties**

1. Plaintiff Universal Avionics is a corporation organized and existing under the laws of the State of Arizona, having its principal place of business for Terrain Awareness and Warning Systems (TAWS), the subject of this dispute, in Tucson, Arizona.

2. Universal is a leading manufacturer of avionics systems used worldwide. It's products are designed for a full range of aircraft types from helicopters to corporate turbine aircraft and large commercial airliners.

3. Founded in 1981, Universal is currently composed of four divisions including (1) Research, Development and Engineering; (2) Manufacturing; (3) Marketing; and (4) Instrument and a supporting independent subdivision (American Panel Corporation).

4. Product offerings include TAWS, a complete line of flight management systems, cockpit instrument displays, a cockpit/ground communications datalink, navigation position sensors, satellite communications, a cabin information/entertainment system and cockpit voice recorders.

5. Thales S.A. is a French corporation with a principal place of business at 45 rue de Villiers, 92526 Neuilly Sur Seine Cedex, France. Upon information and belief, Thales S.A. conducts business in this jurisdiction, both individually and through its wholly-owned subsidiary Thales Avionics, Inc. This entity is a New Jersey company with its principal place of business at 3920 Park Avenue, Edison, New Jersey 08820.

6. The principal activities of Thales are grouped into the following areas: AIR: radars, electronic warfare systems and missile electronics; AVIONICS: systems and equipment for civil and military aircraft including flight control and navigation; COMMUNICATION: tactical mobile and defense communication networks; INFORMATION SYSTEMS & SERVICES: development of service-oriented business, development support in commercial computing and related services; NAVAL: integrated naval combat systems for warships, submarines and undersea warfare; OPTRONICS: detection, guidance and optronic warfare equipment and systems for air, land-based, naval and space applications; AIR SECURITY &

MISSILES: ground-based detection and missile systems, armaments and propulsion; and

TUBES & COMPONENTS: professional electron tubes, image-intensification tubes for medical and industrial applications.

Jurisdiction and Venue

7. This is a civil action arising under the patent laws of the United States, Title 35 of the United States Code and The Declaratory Judgment Act. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 (b) and (c).

Nature of the Dispute

8. In or about November 1998, Universal introduced its Terrain Awareness and Warning System. TAWS is designed to provide the pilot with increased situational awareness and reduce the possibility of accidents associated with Controlled Flight Into Terrain (CFIT). TAWS takes information from onboard sensors along with flight path intent information from a Flight Management System and combines these with its own internal worldwide terrain database. The resulting "look-ahead" capability can provide warnings and alerts well in advance of potential hazards. Universal has continuously manufactured and sold TAWS throughout the United States and abroad since introduction.

9. On May 9, 1995, the United States Patent and Trademark Office ("USPTO") issued United States Patent No. 5,414,631 entitled "Collision-Avoidance Device for Aircraft, Notably for Avoiding Collisions with the Ground" (the "'631 patent"). Upon information and belief, the '631 patent was assigned to Sextant Avionique, which was formed in 1989 when Thomson-CSF and Aerospatiale merged their avionics subsidiaries. In 1998, Thomson-CSF became the sole shareholder in Sextant Avionique to form Thomson-CSF Sextant, now known as

Thales Avionics S.A. Upon information and belief, the '631 patent is presently owned by defendant Thales S.A. A copy of the '631 patent is attached hereto as Exhibit 1.

10. On January 30, 1996, the USPTO issued United States Patent No. 5,488,563 entitled "Method and Device for Preventing Collisions With the Ground for an Aircraft" (the "563 patent"). Upon information and belief, the '563 patent was assigned to Dassault Electronique, which, in 1999, merged with Thomson-CSF Radars & Countermeasures and Thomson Missile Electronics to form Thomson-CSF Detaxis. The combined entity is presently known as Thales Airborne Systems. Upon information and belief, the '563 patent is now owned by defendant Thales S.A. A copy of the '563 patent is attached hereto as Exhibit 2.

11. On June 10, 1997, the USPTO issued United States Patent No. 5,638,282 entitled "Method and Device for Preventing Collisions With the Ground for an Aircraft" (the "282 patent"). Upon information and belief, the '282 patent was assigned to Dassault Electronique, which, in 1999, merged with Thomson-CSF Radars & Countermeasures and Thomson Missile Electronics to form Thomson-CSF Detaxis. The combined entity is presently known as Thales Airborne Systems. Upon information and belief, the '282 patent is now owned by defendant Thales S.A. A copy of the '282 patent is attached hereto as Exhibit 3.

12. On July 11, 2000, the USPTO issued United States Patent No. 6,088,654 entitled "Terrain Anti-Collision Process and Device for Aircraft, with Improved Display" (the "654 patent"). Upon information and belief, the '654 patent was assigned to Dassault Electronique, which, in 1999, merged with Thomson-CSF Radars & Countermeasures and Thomson Missile Electronics to form Thomson-CSF Detaxis. The combined entity is presently known as Thales Airborne Systems. Upon information and belief, the '654 patent is now owned by defendant

Thales S.A. A copy of the '654 patent is attached hereto as Exhibit 4. The '631, '563, '282 and '654 patents are collectively referred to herein as the "patents-in-suit."

13. In a letter dated May 26, 2005 (Exhibit 5), Elliot Polebaum, counsel for Thales, wrote to Joachim L. Naimer, the President of Universal Avionics, to bring his attention to the patents-in-suit. According to the May 26 correspondence, the patents-in-suit are owned by defendant Thales, S.A and allegedly relate to TAWS technologies. The correspondence concluded by seeking a meeting between Thales and Universal to discuss a possible license.

14. In a letter dated July 15, 2005 and a subsequent meeting on July 19, 2005, counsel for Universal advised Thales that it had considered the licensing proposal but did not believe that Universal's TAWS required a license to any of the referenced patents.

15. Thales responded to Universal in a letter dated July 28, 2005 (Exhibit 6). In that correspondence, Thales summarily discounted Universal's non-infringement contentions and threatened that "none of your points provides a plausible basis for concluding that the Universal TAWS device does not practice the Thales patents."

16. At all relevant times, counsel for the parties agreed to an informal standstill agreement to preclude either party from filing litigation until a predetermined time. Attached as Exhibit 7 is an email from Mr. Polebaum to counsel for Universal, dated November 30, 2005, confirming that the standstill agreement would extend through and including December 9, 2005.

17. Universal representatives met with representatives of Thales on December 6, 2005 in a final effort to amicably resolve the dispute. At that time, counsel for Thales made it clear that litigation would follow if Universal did not accede to Thales' unreasonable licensing demands. This litigation followed.

**FIRST CLAIM FOR RELIEF  
DECLARATORY JUDGMENT OF  
INVALIDITY AND NON-INFRINGEMENT**

18. This claim arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202 and the Patent Laws of the United States.

19. Upon information and belief, defendant Thales S.A. is the owner of the patents-in-suit.

20. An actual justiciable case or controversy exists between Universal and Thales concerning the invalidity and non-infringement of the patents-in-suit.

21. The TAWS manufactured and sold by Universal has not infringed and does not infringe any valid claim of any of the patents-in-suit.

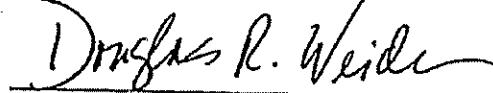
22. Each of the patents-in-suit is invalid and unenforceable under one or more of 35 U.S.C. §§ 102, 103 and 112.

WHEREFORE, Universal seeks judgment against defendant as follows:

- A. That this Court enter a declaratory judgment that Universal's TAWS does not infringe any claim of U.S. Patent Nos. 5,414,631; 5,488,563; 5,638,282 and 6,088,654;
- B. That this Court enter a declaratory judgment that all claims of U.S. Patent Nos. 5,414,631; 5,488,563; 5,638,282 and 6,088,654 are invalid;
- C. Finding that this is an exceptional case and awarding Universal its costs and disbursements in this action, including reasonable attorneys' fees;

D. That Universal be granted such other and further relief as the Court deems just and proper.

Dated: December 12, 2005



Douglas R. Weider (DW-5396)  
Greenberg Traurig, LLP  
200 Campus Drive  
Florham Park, NJ 07932  
(973) 360-7900  
(973) 301-8410 (fax)  
Attorneys for Plaintiff  
Universal Avionics Systems Corp.

**OF COUNSEL:**

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Scott J. Bornstein  
Greenberg Traurig, LLP  
200 Park Avenue  
34<sup>th</sup> Floor  
New York, NY 10166  
(212) 801-2100

## **EXHIBIT 6**



## CUSTOMER INFORMATION LETTER

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Revision 05

Aérodrome de Villacoublay  
BP 200 - 78141 Vélizy-Villacoublay Cedex  
France  
Tél : +33 (0) 1 46 29 70 00  
Fax : +33 (0) 1 46 32 85 96  
[www.thales-avionics.com](http://www.thales-avionics.com)

Rev. 05 : FM KITs partnership

### THALES AVIONICS PARTNERS ON AIRBUS PROGRAMS PRODUCT SUPPORT RESPONSIBILITIES

Dear Customer,

On AIRBUS programs, Thales Avionics has teamed with selected manufacturers to supply Avionics Equipment for these technologically innovative Aircraft.

In order to simplify your contacts within the various teaming arrangements, and in line with our continuous efforts to better support the operation of your Aircraft, Thales Avionics has decided to publish a quick-reference product support guide that will help you when dealing with our partners on the following programs :

- Wide body : A300-600 / A310
- Single aisle : A318 / A319 / A320 / A321
- Long range : A330 / A340

This specific product support guide dedicated to our partners provides the following information hereattached :

- Appendix 1 : List of partners with address and phones details
- Appendix 2 : Details of Thales Avionics Subsidiaries
- Appendix 3 : Customer support partnership
- Appendix 4 : Manufacturers partnership

Please note that although some of the Product Support activities may have been sub-contracted by the Main Contractor to one of its partners to offer you a better service, the Main Contractor maintains overall responsibility for the product and its support.

Thales Avionics sincerely hopes that this guide will help you in understanding each support activity.

Should you need more information, please do not hesitate to contact your usual representative within Thales Avionics organization.

Yours sincerely,

Airlines Sales and Services Department



**CUSTOMER INFORMATION LETTER**

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Appendix 1

**PARTNERS DETAILS**

**ACSS**

AVIATION COMMUNICATION & SURVEILLANCE SYSTEMS, LLC  
An L-3 Communications & Thales Company  
19810 N\_7<sup>th</sup> Avenue  
PHOENIX, AZ 85027-4400  
Phone : +1 623 445 7000  
Fax: +1 623 445 7001

**GOODRICH**

SIMMONDS PRECISION PRODUCTS, INC.  
PANTON ROAD  
VERGENNES, VERMONT 05491  
USA  
Phone : +1 802 877 29 11  
Fax : +1 802 877 41 13  
FSCM : 89305

**CERBERUS S.A.S.**

AVIATION DEPARTMENT  
PRODUCT SUPPORT  
617 RUE FOURNY  
B.P. 20  
78531 BUC CEDEX  
FRANCE  
Phone : +33 1 30 84 66 52  
Fax : +33 1 39 56 13 64  
TLX : 699976F  
FSCM : F4885

**DIEHL AVIONIK SYSTEME (formerly known as BODENSEEWERK GERATETECHNIK GMBH (BGT))**

P.O. BOX 101155  
D-88641 UBERLINGEN  
GERMANY  
Phone : +49 7551 89 69 51  
Fax : +49 7551 89 65 30  
TLX : 733924  
FSCM : D0078

**DIEHL AVIONIK SYSTEME (formerly known as VDO LUFTFAHRTGERATE WERK GMBH)**

CUSTOMER SUPPORT  
AN DER SANDELMUHLE 13  
D-60423 FRANKFURT (for Mail)      D-60439 FRANKFÜRT (for Shipments)  
GERMANY  
Phone : +49 69 5805 0  
Fax : +49 69 5805 1567  
TLX : 411519 VDOL d  
FSCM : D2439



**CUSTOMER INFORMATION LETTER**

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**PARTNERS DETAILS**

**HONEYWELL INC.**

COMMERCIAL FLIGHT SYSTEM GROUP

21111 NORTH 19TH AVENUE

PHOENIX, ARIZONA 85027

USA

Phone : +1 602 436 23 11

Fax : +1 602 436 15 00

TLX : 667405

FSCM : 58960

**LITTON AERO PRODUCTS**

INTERNATIONAL SUPPORT OFFICE

VICTORY BUSINESS CENTER

UNITS 5 AND 6 FLEMING WAY

ISLEWORTH, MIDDLESEX TW7 6DB

ENGLAND

Phone : +44 81 568 33 91 or 568 33 92

Fax : +44 81 847 28 30

TLX : 8951717

FSCM : 30782

**TRW SYSTEMES AERONAUTIQUES**

7 - 9 AVENUE DE L'EGUILLETTE

SAINT-OGEN L'AUMONE - BP7186

95056 CERGY-PONTOISE CEDEX

FRANCE

Phone : +33 1 34 32 63 00

Fax : +33 1 34 32 63 10

FSCM : FA3T1

**SFIM INDUSTRY GmbH**

Gottlieb-Daimler

STR 60

71711 MURR

GERMANY

Phone : +49 71 44 81 14 17

Fax : +49 71 44 81 14 22

FSCM : F6151

**SENSOR SYSTEMS INC.**

8929 FULLBRIGHT AVENUE

CHATSWORTH , CALIFORNIA 91311

USA

Phone : +1 818 341 5366

Fax : +1 818 341 9059

TLX : 691583

FSCM : 13691



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PARTNERS DETAILS

SMITHS INDUSTRIES

AEROSPACE AND DEFENSE SYSTEMS,

PRODUCT SUPPORT

BISHOPS CLEEVE, CHELTENHAM

GLOUCESTERSHIRE, GL52 4SF

ENGLAND

Phone : +44 1242 673333

Fax : +44 1242 661790

TLX : 43172

FSCM : K5294

THALES COMMUNICATIONS (formerly known as THOMSON-CSF COMMUNICATION)

160 BOULEVARD DE VALMY

BP82 , 92704 COLOMBES CEDEX

FRANCE

Phone : +33 1 41 30 30 00

Fax : +33 1 41 30 33 57

FSCM : F0057

THALES AIRBORNE SYSTEMS (formerly known as THOMSON-CSF DETEXIS)

La Clef Saint-Pierre

1 boulevard Jean Moulin

78852 ELANCOURT Cedex

FRANCE

Phone : +33 1 34 59 60 00

Fax : +33 1 34 59 62 36

FSCM : F0052

SERPE-IESM

ZONE INDUSTRIELLE DES 5 CHEMINS

56120 GUIDEL

FRANCE

Phone : +33 2 97 02 49 49

Fax : +33 2 97 65 00 20

TLX : 950535

FSCM : F8794



## CUSTOMER INFORMATION LETTER

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Appendix 2

### THALES AVIONICS SUBSIDIARIES ADDRESSES

THALES AVIONICS  
AIRLINES SALES AND SERVICES  
105 avenue du General Eisenhower  
BP 1147  
31036 TOULOUSE Cedex 1  
FRANCE  
Phone : +33 5 61 19 76 82  
Fax : +33 5 61 19 65 20  
FSCM : F9111

THALES AVIONICS  
CUSTOMER SERVICES DEPARTMENT  
AERODROME DE VILLACOUBLAY  
B.P. 59  
78141 VELIZY VILLACOUBLAY CEDEX  
FRANCE  
Phone : +33 1 46 29 70 00  
Fax : +33 1 46 32 85 96  
TLX : 631241F

THALES AVIONICS INC.  
3920 Park Avenue  
EDISON, NEW JERSEY 08820  
USA  
Phone : +1 732 494 1010  
Fax : +1 732 494 1421

THALES AVIONICS Inflight Systems  
17481 Red Hill Avenue  
IRVINE, CA 92614-5630  
USA  
Phone : +1 949 660 7020  
Fax : +1 949 833 8420

THALES AVIONICS INC. (formerly known as AIR LAB)  
641 INDUSTRY DRIVE  
SEATTLE, WASHINGTON 98188  
USA  
Phone : +1 206 575 0920  
Fax : +1 206 575 3820

THALES AVIONICS Pte Ltd  
4 LOYANG LANE  
# 06-01  
SINGAPORE 508914  
SINGAPORE  
Phone : +65 6 542 25 33  
Fax : +65 6 542 96 50  
TLX : 35616



## CUSTOMER INFORMATION LETTER

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Appendix 3

## THALES AVIONICS CUSTOMER SUPPORT PARTNERSHIP

The following table lists the equipment for which Thales Avionics and its partners share Sales and Customer Support activities

A	A	ATA	DESCRIPTION	P/N	MAIN CONTRACTOR	MANUFACTURER	LRU ORDERS	SRU/PIECE PARTS ORDERS	LRU/SRU REP & MOD	AOG	WARRANT ADMIN.	RETROFIT & DOC PUB	TRAINING	TECHNIC. SUPPORT	SPECIFIC BENCH & TOOLS
3	3	ATA													
0	2	4													
0	0	0													
X		22	ARTH ACTUATOR	L1AM0 VZAM0 VSAM0	THALES AVIONICS	DIELH, Überlingen	THALES	THALES or DIELH (preferably)	THALES or DIELH (preferably)	THALES	THALES	THALES	THALES	THALES	THALES or DIELH
X	X	34	ADF ANTENNA	65-2650.. C12381.. C2B010...	THALES AVIONICS	SENSOR SYSTEMS	THALES	N/A	THALES or SENSOR	THALES	THALES	THALES	N/A	THALES	THALES or SENSOR
X		22	COUPLING UNIT	V4AM0 VSAM0	THALES AVIONICS	DIELH, Überlingen	THALES	THALES or DIELH (preferably)	THALES or DIELH (preferably)	THALES	THALES	THALES	THALES	THALES	THALES or DIELH
X		34	DIRECTIONAL ANTENNA	7514081-XXX 7514060-XXX	THALES AVIONICS	ACSS	THALES	ACSS	ACSS	THALES	THALES	THALES	THALES	THALES	THALES
X		31	ECAM - SCU	961267..	THALES AVIONICS	DIELH FRANKFURT	THALES	DIELH	DIELH	THALES or DIELH	DIELH	THALES or DIELH	THALES (Level 1)	THALES	DIELH
X		34	EFIS - SGU	961266..	THALES AVIONICS	DIELH FRANKFURT	THALES	DIELH	DIELH	THALES or DIELH	DIELH	THALES or DIELH	THALES (Level 1)	THALES	DIELH
X		34	EFIS CTRL PNL	96126096	THALES AVIONICS	DIELH FRANKFURT	THALES	DIELH	DIELH	THALES or DIELH	DIELH	THALES or DIELH	THALES (Level 1)	THALES	DIELH
X		34	MODE S (ATDL)	7517600-XXX	THALES AVIONICS	ACSS	THALES	ACSS	ACSS	THALES	THALES	THALES	THALES	THALES	THALES
X		34	TCAS II	4055010-XXXXX	THALES AVIONICS	ACSS	THALES	ACSS	ACSS	THALES	THALES	THALES	THALES	THALES	THALES

A300 : A300B2-B4/ A300-600/ A310  
A320 : A318/ A319/ A320/ A321  
A340 : A330/ A340

N/A : Not Applicable  
THALES AVIONICS S.A  
S.A. au capital de 230 538 600 Euros  
612 039 455 RCS Versailles  
Siège social : Aérodrome de Villacoublay - 78141 Vélizy-Villacoublay – France

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## CUSTOMER INFORMATION LETTER

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## THALES AVIONICS CUSTOMER SUPPORT PARTNERSHIP

The following table lists the equipment for which Thales Avionics and its partners share Sales and Customer Support activities

A	A	ATA	DESCRIPTION	P/N	MAIN CONTRACTOR	MANUFACTURER	TRU ORDERS	SRU/PIECE PARTS ORDERS	TRU/SRU REP & MOD	AOG LOAN LEASE USED	WARRANT ADMIN.	RETROFIT & DOC PUB	TRAINING	TECHNIC. SUPPORT	SPECIFIC BENCH & TOOLS
A	A	3 3													
3	2	4													
0	0	0													
X	X	34	TCAS-2000 (RT-351)	7517900..	THALES AVIONICS	ACSS	THALES	ACSS	ACSS	THALES	THALES	THALES	THALES	THALES	THALES
X	X	34	ADM	87232329..	LITTON THALES AVIONICS	LITTON	N/A	THALES	THALES	LITTON	LITTON	LITTON	LITTON	N/A	N/A
			ATC TCAS CTRL PNL	4052156-XXX	THALES AVIONICS	ACSS	THALES	ACSS	ACSS	THALES	THALES	THALES	THALES	THALES	THALES
X	X	31	DMC	961532..	THALES AVIONICS	DIELH FRANKFURT	THALES	DIELH	THALES or DIELH	DIELH	THALES or DIELH	THALES and DIELH (Level 1)	THALES	THALES	DIELH
X	X	28	FCMC	B494...	GOODRICH THALES AVIONICS	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES	GOODRIC H	THALES
X	X	22	FCU	K217..K224	THALES AVIONICS	DIELH, Überlingen	THALES	THALES or DIELH	THALES or DIELH (preferably)	THALES	THALES	THALES	THALES	THALES	THALES
X	X	22	FMG/EIC LEGACY	B398..B490...	THALES AVIONICS	THALES AVIONICS and HONEYWELL (FM Kit)	THALES	THALES or HWL (FM Kit)	THALES	THALES	THALES	THALES or HWL (FM Kit)	THALES	THALES	HONEYWELL
X	X		FM KIT FMG/EIC (LEGACY)	C5190/C5191/C5192 C5117/C5118/C5119 E7249/E7284/E72845	N/A	HONEYWELL	N/A	HONEYWELL	N/A	HONEYWELL	N/A	N/A	N/A	N/A	HONEYWELL
X	X	22	FMG/EIC	C13039...	THALES AVIONICS and SMITHS (FM Kit)	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES

A300 : A300B2-B4/A300-600/ A310  
A320 : A318/A319/A320/ A321  
A340 : A330/A340

N/A : Not Applicable

THALES AVIONICS S.A  
S.A. au capital de 230 538 600 Euros  
612 038 495 RCS Versailles  
Siège social : Aérodrome de Villacoublay - 78141 Vélizy-Villacoublay – France

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## Appendix 3

## THALES AVIONICS CUSTOMER SUPPORT PARTNERSHIP

The following table lists the equipment for which Thales Avionics and its partners share Sales and Customer Support activities

A	A	ATA	DESCRIPTION	PIN	MAIN CONTRACTOR	MANUFACTURER	LRU ORDERS	SPRUICE PARTS ORDERS	TRUISR REP & MOD	AOG LOAN LEASE USED	WARRANT ADMIN.	RETROFIT & DOC PUB	TRAINING	TECHNIC. SUPPORT	SPECIFIC BENCH & TOOLS
0	3	3													
0	2	4													
0	0	0													
X	X		FM KIT FMG(E/C (THALES/SMITHS)	E13206BA	THALES AVIONICS	THALES AVIONICS and SMITHS (for soft only)	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES
X	X	22	FM(E/C PEGASUS	C12858... C13042...	THALES AVIONICS	THALES AVIONICS and HONEYWELL (FM kit)	THALES	THALES or HWL (FM kit)	THALES or HWL (FM kit)	THALES	THALES	THALES	THALES	THALES	THALES
X	X		FM KIT FMG(E/C (PEGASUS)	4084070-SD2	HONEYWELL	HONEYWELL	N/A	HONEYWELL	HONEYWELL	HONEYWELL	HONEYWELL	HONEYWELL	HONEYWELL	HONEYWELL	HONEYWELL
X	28		FQIC	B539...	GOODRICH	THALES AVIONICS	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES	GOODRIG THALES
X	34		HUD/C	\$61543...	THALES AVIONICS	DIELH FRANKFURT	THALES	DIELH	DIELH	THALES or DIELH	THALES or DIELH	THALES	THALES (Level 1) and DIELH (Level 2)	THALES	DIELH
X	X	31	New DMC	18926600...	THALES AVIONICS	DIELH FRANKFURT	THALES	DIELH	DIELH	THALES or DIELH	THALES	THALES	THALES	THALES	THALES
X	X	22	New FCU	C12849... /C12850...	THALES AVIONICS	DIELH, Überlingen	THALES	THALES or DIELH (preferably)	THALES or DIELH (preferably)	THALES	THALES	THALES	THALES	THALES	THALES
X	79		PRESSURE TRANSMITTER	84757-1...	TRW	THALES AVIONICS	TRW	THALES	THALES	THALES	THALES	THALES	TRW (Level 1) and THALES (Level 2)	THALES	THALES
X	X	26	SDCU	RAI 2800...	CERBERUS SIEMENS	THALES AVIONICS SIEMENS	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES	THALES
X	79		TEMPERATURE SENSOR	64660-506-1	TRW	THALES AVIONICS	TRW	N/A	N/A	THALES	THALES	THALES	TRW	THALES	N/A

A300 : A300B2-B4/A300-500/A310  
A320 : A318/A319/A320/A321

A340 : A330/A340

N/A : Not Applicable

THALES AVIONICS S.A

S.A. au capital de 250 538 600 Euros  
612 039 495 RCS Versailles

Siège social : Aérodrome de Villacoublay - 78141 Vélizy-Villacoublay – France

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Appendix 4

## THALES AVIONICS MANUFACTURERS PARTNERSHIP

The following table lists the equipment manufactured by partners. As a main contractor, Thales Avionics is responsible for the whole range of Sales and Customer support activities for these equipment.

A300	A320	A340	ATA	DESCRIPTION	P/N	MAIN CONTRACTOR	PARTNER
X			22	AP/FD ENGAGEMENT UNIT	K151	THALES AVIONICS	SMITH INDUSTRIES
X			34	ATC TRANSPONDER TSR-71B	9599-614-0390..	THALES AVIONICS	THALES COMMUNICATIONS
X	X	X	34	DME INTERRO TDM-709	9599-614..	THALES AVIONICS	THALES COMMUNICATIONS
X	X	X	31	EQAR	1374..	THALES AVIONICS	THALES AIRBORNE SYSTEMS
X			22	FCU	K157..	THALES AVIONICS	SMITH INDUSTRIES
X	X	X	26	JET SAT	3433..	THALES AVIONICS	THALES AIRBORNE SYSTEMS
X	X	X	25	KANNAD 406 AS	S1823 ..	THALES AVIONICS	SERPE-IESM
X	X	X	25	KANNAD 406 ATP	S1819	THALES AVIONICS	SERPE-IESM
X			33	LIGHT CONTROLER	6310..	THALES AVIONICS	THALES COMMUNICATIONS
X	X	X	34	LRRA	9599-607..	THALES AVIONICS	THALES COMMUNICATIONS
X	X	X	34	LRRA ANTENNA	9599-607..	THALES AVIONICS	THALES COMMUNICATIONS
X			22	MTP	K159	THALES AVIONICS	SMITH INDUSTRIES
X			22	PITCH TRIM ACTUATOR	V1AM0	THALES AVIONICS	SMITH INDUSTRIES
X			22	TCC	B217 B298. B351..B415. B472..	THALES AVIONICS	DIEHL, Überlingen
X			22	TRP	K158..	THALES AVIONICS	SMITH INDUSTRIES
X	X	34		GPS ANTENNA	C17065..	THALES AVIONICS	THALES COMMUNICATIONS
X	X	34		MMR	TL6755..	THALES AVIONICS	THALES COMMUNICATIONS
X		30		PROBE HEAT COMPUTER	1663214 ..	THALES AVIONICS	THALES AIRBORNE SYSTEMS
	X			RATE GYRO	61-00000	THALES AVIONICS	SAGEM
X	X	23		VDR	EVR716 .. EVR750..	THALES AVIONICS	THALES COMMUNICATIONS

A300 : A300B2-B4/ A300-600/ A310

A320 : A318/ A319/ A320/ A321

A340 : A330/ A340

THALES AVIONICS S.A

S.A. au capital de 230 538 600 Euros

612 039 495 RCS Versailles

Siège social : Aérodrome de Villacoublay - 78141 Vélizy-Villacoublay – France

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## **EXHIBIT 7**

# THALES IN NORTH AMERICA

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## Thales Avionics, Inc.

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Thales Avionics is the largest unit of Thales's Avionics Systems Business Group, which includes Thales Avionics Electrical Systems, Thales Avionics In-Flight Systems and Thales Avionics Ltd. Applying its multidomestic strategy, Thales Avionics has expanded its international presence by setting up operations close to its customers. There are customer service locations all over the world, with major hubs in Edison, New Jersey, Singapore and Châtellerault, France. At Thales Avionics, the overriding concern of the international top-flight engineering team is to listen to you, partners and customers, in order to provide reliable solutions tailored to your specific requirements.

Thales Avionics, Inc., based in Edison, NJ, is one of the major support centers for Thales Avionics worldwide. Specializing in the sales, maintenance and support of electrical systems, power generators, avionics and flight control equipment for commercial, military and business aviation applications, Thales Avionics Inc. operates in Edison, NJ and Seattle, WA.

**Main North American Location: Edison, NJ**

[Visit Thales Avionics on the Web. \[external site\]](#)

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## **EXHIBIT 8**



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#### TOP STORIES

On the Record with  
**FRANCOIS LUREAU, EVP & CEO, THALES AEROSPACE**

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#### AVIONICS

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#### FRACTIONAL / CHARTER

#### MAINTENANCE

#### MODIFICATIONS / OUTFITTERS / FBOs

#### NEWSMAKERS

#### POWERPLANTS

#### TRAINING

#### Introduction to Business Aviation

### *Name That Seemed So Strange is Working*

Thales, the ancient Greek mathematician and philosopher who gives his name to the old Thomson-CSF empire, was very fond of the skies. So much so, according to a story told by Plato, that a stargazing Thales one night fell into a ditch on his way home.

A servant girl pulled him out and said, "How do you expect to understand what is going on up in the sky if you do not even see what is at your feet?"

Which is most appropriate when one looks at Thales—the company—and its involvement in ground and air satellite-based navigation, air traffic control, collision avoidance and avionics—all, as it were, to help one see in the dark.

"The name change has been received very well" since implemented last December, François Lureau, executive VP and CEO of Thales Aerospace commercial business told *Show News*.

"Thomson-CSF was known as a defense company, and a French one at that."

"The name no longer described what we do, or who we are."

"Acquisitions over the years had resulted in more than 200 different names within Thomson-CSF, and 80% of our people were not here ten years ago, so the old name meant nothing to them."

Hence the change, to reflect an international aerospace and electronics company, evenly split between defense and commercial.

Thales biggest customer by far is Airbus, which has just selected it to develop the integrated avionics and flight control system for the all-digital 555-seat A380. Next biggest customer is Bombardier, with integrated flight control systems and the HUD on the Global Express.

With its Airbus and military expertise (most recently on the French Rafale fighter avionics and cockpit displays), Thales believes it has a very good basis for offering integrated avionics suites to OEMs' specifications. It already supplies these to the Eurocopter fleet with its

Meghas avionics suites. "We really have a lot to offer," said Lureau.

Thales' big news here is the HUD display on the Global Express, followed by its Satcom products including Aero I and Aero H antennae. Connectivity is also a focus.

"We make a lot of equipment in this field, including Ku broadband, which we can adapt to the business aircraft market," Lureau noted.

When coupled with the technology and expertise of its inflight entertainment business (a big supplier to Boeing, as well as Airbus) formed when Sextant acquired that activity from B/E Aerospace, Lureau is confident Thales can be a player in the evolving markets for high speed datalink, liveTV and true high speed Internet capability aboard airliners and corporate jets.

Thales also has considerable expertise in airborne electrical power generation. It has long supplied Dassault, and has been selected for the new FNX business jet.

-John Morris

### **Thales is Different**

A lot has changed at Thales since last NBAA, when it exhibited as Thomson-CSF Sextant. Changes and acquisitions in its commercial business include:

- Acquisition of the inflight entertainment business of B/E Aerospace.
- Formation of a joint venture in North America with L-3 Com to focus on traffic collision avoidance systems (TCAS) and to develop new products for the commercial market.
- A joint venture with Diehl Group that will be the largest avionics company in Germany. It will focus on secondary control systems, engine controls, display generation center of excellence, and cabin systems.
- Consolidation of its North American support operations in Edison, New Jersey, which is now Thales worldwide headquarters for avionics support.

-J.M.

### **Thales Aims Products at Regional/Corporate Market**

Offering the largest field of view in its class, Thales' Heads Up Flight Display System (HFDS) is the first in a new family optimized for business aircraft and regional airliners. It makes essential data instantly available to pilots—which is of key importance during adverse weather landings and takeoffs or in an emergency.

The HFDS for the Global Express is based on proven technologies, with built-in growth potential for improved Category III operations and the display of overlaid imagery from an enhanced vision system. Although fully integrated in the Canadian long-range jet, HFDS can

be acquired as a stand-alone upgrade for other aircraft.

Thales is also currently highlighting its flat panel displays, CNS/ATM capabilities and three-in-one standby instrument.

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## **EXHIBIT 9**

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William G. Todd  
Scott J. Bornstein  
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34<sup>th</sup> Floor  
New York, NY 10166  
(212) 801-2100

Attorneys for Plaintiff  
Universal Avionics Systems Corp.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNIVERSAL AVIONICS SYSTEMS CORP., )  
Plaintiff, ) Civil Action No. 05-CV-5764  
v. )  
THALES S.A., THALES AIRBORNE )  
SYSTEMS S.A., and THALES AVIONICS S.A. )  
Defendants. ) AMENDED COMPLAINT

Pursuant to Fed.R.Civ.P. 15, plaintiff, Universal Avionics Systems Corporation ("Universal"), files this Amended Complaint against defendants Thales S.A., Thales Airborne Systems S.A. ("Thales Airborne") and Thales Avionics S.A. ("Thales Avionics") (collectively, "Thales").

The Parties

1. Plaintiff Universal Avionics is a corporation organized and existing under the laws of the State of Arizona, having its principal place of business for Terrain Awareness and Warning Systems (TAWS), the subject of this dispute, in Tucson, Arizona.

2. Universal is a leading manufacturer of avionics systems used worldwide. It's products are designed for a full range of aircraft types from helicopters to corporate turbine aircraft and large commercial airliners.

3. Founded in 1981, Universal is currently composed of four divisions including (1) Research, Development and Engineering; (2) Manufacturing; (3) Marketing; and (4) Instrument and a supporting independent subdivision (American Panel Corporation).

4. Product offerings include TAWS, a complete line of flight management systems, cockpit instrument displays, a cockpit/ground communications datalink, navigation position sensors, satellite communications, a cabin information/entertainment system and cockpit voice recorders.

5. Thales S.A. is a French corporation with a principal place of business at 45 rue de Villiers, 92526 Neuilly Sur Seine Cedex, France. Upon information and belief, Thales S.A. conducts business in this jurisdiction, both individually and through its wholly-owned subsidiary Thales Avionics, Inc. Thales Avionics, Inc. is a New Jersey company with its principal place of business at 3920 Park Avenue, Edison, New Jersey 08820.

6. The principal activities of Thales S.A. are grouped into the following areas: AIR: radars, electronic warfare systems and missile electronics; AVIONICS: systems and equipment for civil and military aircraft including flight control and navigation; COMMUNICATION: tactical mobile and defense communication networks; INFORMATION SYSTEMS &

tactical mobile and defense communication networks; INFORMATION SYSTEMS & SERVICES: development of service-oriented business, development support in commercial computing and related services; NAVAL: integrated naval combat systems for warships, submarines and undersea warfare; Optronics: detection, guidance and optronic warfare equipment and systems for air, land-based, naval and space applications; AIR SECURITY & MISSILES: ground-based detection and missile systems, armaments and propulsion; and TUBES & COMPONENTS: professional electron tubes, image-intensification tubes for medical and industrial applications.

7. Upon information and belief, defendant Thales Airborne is a French corporation with its corporate headquarters at 2 avenue Guy Lussac, 78851 Elancourt, France.

8. Upon information and belief, defendant Thales Avionics is a French corporation with its corporate headquarters at 45 rue de Villiers, 92526 Neuilly, France.

Jurisdiction and Venue

9. This is a civil action arising under the patent laws of the United States, Title 35 of the United States Code and The Declaratory Judgment Act. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 (b) and (c).

Nature of the Dispute

10. In or about November 1998, Universal introduced its Terrain Awareness and Warning System. TAWS is designed to provide the pilot with increased situational awareness and reduce the possibility of accidents associated with Controlled Flight Into Terrain (CFIT). TAWS takes information from onboard sensors along with flight path intent information from a Flight Management System and combines these with its own internal worldwide terrain database.

The resulting "look-ahead" capability can provide warnings and alerts well in advance of potential hazards. Universal has continuously manufactured and sold TAWS throughout the United States and abroad since introduction.

11. On May 9, 1995, the United States Patent and Trademark Office ("USPTO") issued United States Patent No. 5,414,631 entitled "Collision-Avoidance Device for Aircraft, Notably for Avoiding Collisions with the Ground" (the "'631 patent"). Upon information and belief, the '631 patent was assigned to Sextant Avionique, which was formed in 1989 when Thomson-CSF and Aerospatiale merged their avionics subsidiaries. In 1998, Thomson-CSF became the sole shareholder in Sextant Avionique to form Thomson-CSF Sextant, now known as Thales Avionics. Upon information and belief, the '631 patent is presently owned by defendant Thales S.A., defendant Thales Airborne, and/or defendant Thales Avionics.

12. On January 30, 1996, the USPTO issued United States Patent No. 5,488,563 entitled "Method and Device for Preventing Collisions With the Ground for an Aircraft" (the "'563 patent"). Upon information and belief, the '563 patent was assigned to Dassault Electronique, which, in 1999, merged with Thomson-CSF Radars & Countermeasures and Thomson Missile Electronics to form Thomson-CSF Detaxis. The combined entity is presently known as Thales Airborne. Upon information and belief, the '563 patent is presently owned by defendant Thales S.A., defendant Thales Airborne, and/or defendant Thales Avionics.

13. On June 10, 1997, the USPTO issued United States Patent No. 5,638,282 entitled "Method and Device for Preventing Collisions With the Ground for an Aircraft" (the "'282 patent"). Upon information and belief, the '282 patent was assigned to Dassault Electronique, which, in 1999, merged with Thomson-CSF Radars & Countermeasures and Thomson Missile Electronics to form Thomson-CSF Detaxis. The combined entity is presently known as Thales

Airborne. Upon information and belief, the '282 patent is presently owned by defendant Thales S.A., defendant Thales Airborne, and/or defendant Thales Avionics.

14. On July 11, 2000, the USPTO issued United States Patent No. 6,088,654 entitled "Terrain Anti-Collision Process and Device for Aircraft, with Improved Display" (the "'654 patent"). Upon information and belief, the '654 patent was assigned to Dassault Electronique, which, in 1999, merged with Thomson-CSF Radars & Countermeasures and Thomson Missile Electronics to form Thomson-CSF Detaxis. The combined entity is presently known as Thales Airborne. Upon information and belief, the '654 patent is presently owned by defendant Thales S.A., defendant Thales Airborne, and/or defendant Thales Avionics. The '631, '563, '282 and '654 patents are collectively referred to herein as the "patents-in-suit."

15. In a letter dated May 26, 2005 (Exhibit 1), Elliot Polebaum, counsel for Thales, wrote to Joachim L. Naimer, the President of Universal Avionics, to bring his attention to the patents-in-suit. According to the May 26 correspondence, the patents-in-suit are owned by defendant Thales, S.A. and allegedly relate to TAWS technologies. The correspondence concluded by seeking a meeting between Thales S.A. and Universal to discuss a possible license.

16. In a letter dated July 15, 2005 and a subsequent meeting on July 19, 2005, counsel for Universal advised Thales that it had considered the licensing proposal but did not believe that Universal's TAWS required a license to any of the referenced patents.

17. Thales responded to Universal in a letter dated July 28, 2005 (Exhibit 2). In that correspondence, Thales summarily discounted Universal's non-infringement contentions and threatened that "none of your points provides a plausible basis for concluding that the Universal TAWS device does not practice the Thales S.A. patents."

18. At all relevant times, counsel for the parties agreed to an informal standstill agreement to preclude either party from filing litigation until a predetermined time. Attached as Exhibit 3 is an email from Mr. Polebaum to counsel for Universal, dated November 30, 2005, confirming that the standstill agreement would extend through and including December 9, 2005.

19. Universal representatives met with representatives of Thales on December 6, 2005 in a final effort to amicably resolve the dispute. At that time, counsel for Thales made it clear that litigation would follow if Universal did not accede to Thales' unreasonable licensing demands. This litigation followed.

**FIRST CLAIM FOR RELIEF  
DECLARATORY JUDGMENT OF  
INVALIDITY AND NON-INFRINGEMENT**

20. This claim arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202 and the Patent Laws of the United States.

21. Upon information and belief, Thales S.A., Thales Airborne, and/or Thales Avionics are the owners of the patents-in-suit.

22. An actual justiciable case or controversy exists between Universal and Thales concerning the invalidity and non-infringement of the patents-in-suit.

23. The TAWS manufactured and sold by Universal has not infringed and does not infringe any valid claim of any of the patents-in-suit.

24. Each of the patents-in-suit is invalid and unenforceable under one or more of 35 U.S.C. §§ 102, 103 and 112.

WHEREFORE, Universal seeks judgment against defendants as follows:

- A. That this Court enter a declaratory judgment that Universal's TAWS does not infringe any claim of U.S. Patent Nos. 5,414,631; 5,488,563; 5,638,282 and 6,088,654;
- B. That this Court enter a declaratory judgment that all claims of U.S. Patent Nos. 5,414,631; 5,488,563; 5,638,282 and 6,088,654 are invalid;
- C. Finding that this is an exceptional case and awarding Universal its costs and disbursements in this action, including reasonable attorneys' fees;
- D. That Universal be granted such other and further relief as the Court deems just and proper.

Dated: December 21, 2005



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OF COUNSEL:

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May 26, 2005

*Via Federal Express*

J. L. Naimer, President  
Universal Avionics  
3260 E. Universal Way  
Tucson, AZ 85706

Re: Thales S.A. Patent Licensing

Dear Mr. Naimer:

I am writing to you on behalf of my client Thales S.A. Thales owns a portfolio of patents relating to Terrain Awareness and Warning System (TAWS) technologies. Because your company manufactures a TAWS product, we would like to bring to your attention patents belonging to Thales relating to TAWS technology that may be of interest to you. Enclosed are: (1) U.S. Patent No. 5,488,563, to Chazelle et al.; (2) U.S. Patent No. 5,638,282, to Chazelle et al.; (3) U.S. Patent No. 5,414,631, to Denoize et al.; and (4) U.S. Patent No. 6,088,654, to Lepere et al.; all relate to TAWS technology.

I would like to arrange a meeting between Thales representatives and Universal representatives to discuss the Thales portfolio and the possibility of Universal's obtaining a license to the patented technology. Please contact me at your earliest convenience regarding this matter.

Sincerely,

Elliot E. Polebaum

Enclosures



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**FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP**

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July 28, 2005

By Enclosure

Scott Bernstein, Esq.  
Greenberg Traurig LLP  
MetLife Building  
200 Park Avenue  
New York, NY 10166

Dear Scott:

We have considered further the points you made at our meeting on July 19, 2005, and in your earlier letter dated July 15, 2005, regarding the Thales patents that we have brought to your attention. We believe that none of your points provides a plausible basis for concluding that the Universal TAWS device does not practice the Thales patents. Accordingly, we think it appropriate that we begin to negotiate the terms by which Thales would license use of the patents to Universal. Please let me know at your earliest convenience whether Universal is prepared to enter into such negotiations with Thales.

At our meeting, we agreed to give you a written response to the points you raised. You and we have further agreed that our exchanges are confidential, subject to Rule 408 of the Federal Rules of Evidence, may not be used in any subsequent proceedings, and do not constitute any waiver of the attorney client privilege and/or work product doctrine. On that understanding, our response to your points is as follows:

I. Mass Memory Means.

First, the "mass memory means" element of both Claim 1 of U.S. Patent 5,488,563 (the "563 Patent") and Claim 1 of U.S. Patent 5,638,282 (the "282 Patent") is not a means-plus-function element, subject to §112(6) of the Patent Act, because the element contains sufficient structure to perform the claimed function. Therefore, interpreting the claim language by looking

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Letter to Scott Bernstein, Esq.

July 28, 2005

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to the structure disclosed in the specification and its equivalents is not warranted. Instead, this claim element must be construed in accordance with standard claim-construction principles and be given its plain meaning to one of ordinary skill in the art.

A. Relative Altitude Values.

At the July 19 meeting, you argued that the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent and the "mass memory" element of Claim 20 of the '563 Patent require the use of relative altitude values for storing terrain data. Proper claim construction, however, would not allow reading into these elements such a relative altitude limitation. First, a person of ordinary skill in the art would not conclude that the elements "mass memory" or "mass memory means" require such a limitation. To add such a limitation would violate the Federal Circuit's repeated admonition, most recently re-affirmed in *Phillips v. AWH Corp.*, that one should avoid importing limitations from the specification into the claims.

Additionally, the principle of claim differentiation prevents the "mass memory means" element of Claim 1 of the '563 Patent from having the same scope as its dependent Claim 8, which specifically adds the limitation of using relative altitude values. Claim differentiation also prevents reading the relative altitude value limitation into the "mass memory" element of Claim 20 because its dependent Claim 24 adds the precise limitation of using relative altitude values. If the relative altitude limitation were already part of Claims 1 and 20, there would be no reason to have claims 8 and 24.

Regardless, the Universal TAWS infringes the Thales patents under the doctrine of equivalents, because the memory device of the Universal TAWS is equivalent to the claimed memory.

B. Updated by A Data Processing Device.

You also claimed in your July 15, 2005 letter and at our meeting that the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent and the "mass memory" element of Claim 20 of the '563 Patent requires regular updating by a data processing device "[o]n the ground, outside the aircraft." It would be improper, however, to import this limitation from the specification into these claims because a person of ordinary skill in the art would not interpret a mass memory means to require a data processing device on the ground outside the aircraft. These claims relate to means for storing, not updating, a database. Even if these claims were subject to §112(6), this limitation is not properly read into the claims because it is not part of the structure disclosed in the specification corresponding to the claimed function.

If one accepted your construction for the sake of argument and added the "updating on the ground, outside the aircraft" limitation, the Universal TAWS practices the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent. As specified in the Product Summary found in Tab B of the attachments that we provided at the July 19 meeting

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FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

Letter to Scott Bernstein, Esq.

July 28, 2005

Page 3

(the "Attachments"), the Universal terrain database is stored in "internal flash memory." Additionally, page 48 of the TAWS Operator's Manual (Tab G of the Attachments), states that: "Installation and update of Airport and Terrain databases are accomplished through Universal's Flight Management System and DTU [Data Transfer Unit]-100. If there is not a Universal FMS installed, TAWS is updated directly from the DTU-100 using an IBM compatible computer." You also explained to us that Universal does in fact update its TAWS using a data processing device on the ground. Such a configuration practices the "mass memory means" element of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent. Even if one assumed for the sake of argument that the Universal TAWS does not infringe directly the "mass memory" element, an assumption with which we do not agree, the device infringes under the Doctrine of Equivalents.

Finally, we note that your means-plus-function argument fails to address Claim 20 of the '563 Patent, a method claim.

II. Validation.

During the July 19 meeting, you asserted that the independent claims of the '563 and '282 Patents in some way require the validation of data. Reading in such a requirement would also be an improper importation of a limitation from the specification into the claims. The principle of claim differentiation also shows that Claims 1 and 20 of the '563 Patent do not include a requirement of data validation because such a requirement is included in dependent Claims 2 and 21, respectively.

III. Input Means.

You stated in your letter and at our meeting your view that the Universal TAWS does not practice the "input means" limitation of Claim 1 of the '563 Patent and Claim 1 of the '282 Patent because the Universal TAWS does not receive a velocity vector into the terrain alerting function. This is incorrect for several reasons. Claim 1 of the '282 Patent, for example, states as follows: "input means for receiving status indications representing . . . the velocity vector . . ." This claim element only requires an input means that receives status indications representing the velocity vector and not the velocity vector itself. As the specification of the '282 Patent clearly discloses at Column 4, Lines 51-61, these status indications may include the components of the vector, such as track and speed which the Universal TAWS does receive. Additionally, such status indications only need to be received by the input means and not by the alerting function/anti-collision means. In order to encompass the limitation that you suggest, Claim 1 of the '282 Patent would have to be written in a manner similar to Claim 7, in which the anti-collision means takes into account the velocity vector data. Claims 1 and 20 of the '563 Patent similarly do not require the velocity vector to be input into the alerting function. Because the Universal TAWS does accept as inputs the velocity and acceleration vectors, as well as speed and track information, it practices this element literally and under the Doctrine of Equivalents.

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FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

Letter to Scott Bernstein, Esq.  
July 28, 2005  
Page 4

**IV. Anticollision Processing Means.**

In our meeting, you also asserted that the "anticollision processing means" of Claim 1 of the '563 Patent and the "anticollision means" element of Claim 1 of the '282 Patent somehow require use of curves, such as those described at Column 10, lines 1-12 of the '563 Patent. Such curves are not part of the structure disclosed in the specification corresponding to the claimed function. Furthermore, the doctrine of claim differentiation shows that this limitation cannot be included in Claim 1 of the '563 Patent and Claim 1 of the '282 Patent, because the disclosed curves are utilized in the specification in cases where the claimed condition or anticollision law includes consideration of or corresponds to a "piloting flight path for pulling up with a virtually maximum amplitude after a brief delay." Limitations of dependent Claim 16 of the '563 Patent and dependent Claim 11 of the '282 Patent.

**V. U.S. Patents 5,414,631 (the "631 Patent) and 6,088,654 (the "654" Patent).**

The arguments that you raised with regard to the '631 Patent and '654 Patents are very similar to those made with regard to the '563 Patent and '282 Patent. Accordingly, we refer you to the discussion above.

Sincerely,

*Elliott E. Pollebaum*  
Elliott E. Pollebaum

EEF:mr:271069

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**Bornstein, Scott (OfCnsl-NY-IP)**

---

**From:** Polebaum, Elliot E. [PolebEl@friedfrank.com]  
**Sent:** Wednesday, November 30, 2005 5:13 PM  
**To:** Bornstein, Scott (OfCnsl-NY-IP); PolebEl@friedfrank.com  
**Subject:** RE: Standstill/Meeting

This will confirm that we have agreed to extend the standstill through and including December 9.

Can you confirm a meeting on December 8?

-----Original Message-----

From: BornsteinS@gtlaw.com [mailto:BornsteinS@gtlaw.com]  
Sent: Monday, November 14, 2005 12:46 PM  
To: PolebEl@friedfrank.com  
Subject: Re:

Ok with us. Let's shoot for the 22nd.

Scott Bornstein  
Sent from my BlackBerry Wireless Handheld

---

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---

From: Polebaum, Elliot E. <PolebEl@friedfrank.com>  
To: Polebaum, Elliot E. <PolebEl@friedfrank.com>; Bornstein, Scott (OfCnsl-NY-IP)  
<BornsteinS@gtlaw.com>  
CC: Melander, Deneen J. <MelanDe@friedfrank.com>  
Sent: Mon Nov 14 12:03:25 2005  
Subject: RE:

Scott,

It appears that Thales will need a bit more time to collect the information that we had planned to exchange on November 15. I suggest that we put this off until November 22. If we can do it earlier, I will let you know. Regards.

-----Original Message-----

From: Polebaum, Elliot E. [mailto:PolebEl@friedfrank.com]  
Sent: Thursday, November 03, 2005 5:55 PM  
To: BornsteinS@gtlaw.com; PolebEl@friedfrank.com



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Subject: RE:

We have now agreed to extend the standstill through and including December 2, 2005.

-----Original Message-----

From: BornsteinS@gtlaw.com (mailto:BornsteinS@gtlaw.com)  
Sent: Friday, October 14, 2005 5:37 PM  
To: PolebElffriedfrank.com  
Subject: Re:

Agreed.

---

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---

From: Polebaum, Elliot E.  
To: Scott Bornstein  
To: PolebElffhsj.com  
Cc: MelanDe@ffhsj.com  
Sent: Oct 14, 2005 3:31 PM  
Subject: RE:

We've agreed to extend through and including Friday, November 4. Regards.

-----Original Message-----

From: BornsteinS@gtlaw.com (mailto:BornsteinS@gtlaw.com)  
Sent: Wednesday, September 07, 2005 5:24 PM  
To: PolebElffriedfrank.com  
Cc: MelanDe@ffhsj.com  
Subject: RE:

Agreed. Thanks. Scott

---

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From: Polebaum, Elliot

-----Original Message Truncated-----

Scott Bornstein  
Sent from my BlackBerry Wireless Handheld

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